

# United States Senate

WASHINGTON, DC 20510

May 13, 2004

The Honorable John Ashcroft  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue N.W.  
Washington, DC 20530-0001

Dear Attorney General Ashcroft:

It has come to my attention that an individual with ties to prisoner mistreatment in Utah in 1997, Lane McCotter, was selected by you to be part of the team redeveloping the criminal justice system in Iraq. Given Mr. McCotter's troubling history in the criminal justice system, I have a number of questions regarding why Mr. McCotter was chosen for such a sensitive role.

Mr. McCotter was the director of Utah's Department of Corrections when Michael Valent, a 29-year old schizophrenic inmate, died after being strapped naked to a chair for 16 hours. The treatment of Mr. Valent was described by a number of critics as "torture". Nonetheless, Mr. McCotter defended what was done to Mr. Valent, saying, "You have to have a way to deal with violent inmates."

As a result of what happened to Mr. Valent and Mr. McCotter's refusal to deal with the situation appropriately, Mr. McCotter was forced to resign his post at the Department of Corrections. He subsequently became an executive at a private prison company which reportedly was under Department of Justice investigation for failing to provide safe conditions and adequate medical care for prisoners at a Santa Fe prison when you selected him to be part of the Iraq criminal justice team.

According to press reports Mr. McCotter was one of four civilian advisors charged with the rebuilding of Iraq's prison system, including Abu Ghraib.

Like all Americans, I am disturbed by what happened at Abu Ghraib and I believe it is essential to get out all the facts as to what happened, how it happened, and why it happened. Mr. McCotter's checkered past and his selection for this important position raise a number of serious questions concerning the role of civilian advisors and contractors in the Iraqi prison system and of the government's selection process for and oversight of these individuals.

Why did you appoint Mr. McCotter, who had such a troubling history, to work on criminal justice reform in Iraq?

What was the formal selection process for civilian advisors selected by DOJ for work in Iraq? What level, if any, of formal background checks took place?

What safeguards did McCotter and others planning for the Iraqi corrections facilities put in place to stop potential abuse? Were they involved in designing the chain of command that so obviously failed both the United States and its Iraqi charges?

What role did McCotter and other officials play in the designing and implementation of training programs for Iraqi nationals and/or U.S. personnel stationed as guards at Iraqi prisons?

Did these civilian advisors recommend or play a part in the decisions that lead to the use of private contractors in prisoner interrogations in Abu Ghraib?

Is the Department of Justice investigating Lane McCotter and other civilians for their role in the Abu Ghraib abuses?

Is the Department of Justice investigating the roles of other civilian contractors in training guards at Abu Ghraib? If so, when were those investigations initiated and what is their status? If not, why not?

I look forward to your prompt responses to these important questions.

Sincerely,

A handwritten signature in dark ink, reading "Charles E. Schumer". The signature is fluid and cursive, with the first name "Charles" being particularly prominent.

Charles E. Schumer  
United States Senator